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K.N.X.T. SPECIAL REPORT

Approximately 6 p.m.

July 16, 1971

Reporter: "...with evidence in the Shirhan Sirhan murder case has led to much speculation. The focus of the investigation by the D.A.'s office is on those who may have viewed certain evidence without the required court order.

At first KNXT News was rebuffed in it's efforts to learn the identity of those who had access to exhibits in the County Clerk's office, but a ruling by the California Supreme Court enabled us to look at those records. In this copywritten report Big News reporter Howard Gingold tells what the clerk's record shows. Howard?

Howard Gingold: "Jim, inquires by KNXT news have disclosed these facts. A number of persons viewed physical evidence from the Sirhan trial - some in apparent violation of a court order restricting access to trial exhibits. Physical evidence such as the death weapon, the fatal bullets and others used for test firing maybe so contaminated by mishandling it would be useless in future court proceedings.

Administrative practices have been so slipshod that it's now hard to say exactly how many persons actually examined the evidence and who they are. As a result of such practices coupled with procedures used by a police crime expert and perhaps other court officers too, it is possible that other convictions besides Sirhan's may be challenged.

That includes the murder conviction of former deputy district attorney Jack Kirschke - now serving a life sentence for killing his wife and her lover in 1966.

All this comes to light after KNXT's disclosure a week ago, that officials were investigating the possibility that evidence in the Sirhan case had been altered.

Since then County Clerk William Sharp, who's office maintains trial evidence had denied suggestions that ~~xxxul~~ irregularities (?) were permitted. ^{WWS}

And the Superior Court Judge clamped a restriction on the clerk's administrative records prohibiting outsiders from learning who had access to the Sirhan trial exhibits.

After KNXT received assistance from the California Supreme Court, the lower court order was modified, and this reporter gained access to the clerk's records. Those records include exhibit inventory lists and forms indicating who was permitted to look at those exhibits. They also include the original order by Superior Judge Herbert Walker restricting access to certain hard-core evidence without the courts express permission.

II-KNXT

Such evidence as the gun - a 22 cal. Iver-Johnson revolver, and a number of bullets, some removed from the ~~xx~~ victims, others used for ballistic testing.

There appears little doubt that Judge Walker's order was violated in some way.

Among those allowed to view the exhibits was Theodore Cherach, a free lance journalist who claims that crucial evidence and testimony have been suppressed. Cherach believes there was more than one gunman involved in Robert Kennedy's assassination and has brought suit to force disclosure of certain evidence.

Cherach made seven visits to the clerk's office in 1969 and '70, but it was not clear what exhibits he actually inspected.
IS

Some forms have a jumble of exhibit numbers listed - some have no exhibit notations at all.

The file contains no indication that Cherach had the court's permission to view restricted evidence.

It is understood, however, that he was authorized to check the evidence by Sirhan's attorneys of record, George Shibbling and Luke McKissack.

Judge Walker's original order made no provision for attorneys of record to authorize anyone else to view the evidence.

Another who viewed the evidence under the authority of Attorneys Shibbling and McKissack was William Harper, a criminalist who has exchanged information with Cherach.

Harper made 9 visits. He examined the gun and bullets on a table in the clerk's office. (1)

Harper told KNTX News he handled the evidence in the course of the examination. But he also said the gun and bullets had not been sealed in plastic containers as Judge Walker had instructed. They were in plain paper envelopes.

Harper says he does not know if the evidence has been contaminated but as a crime expert he has strong reservations about the way it was handled.

To preserve the integrity of such evidence, Harper says, it should be wrapped and stored in such a way that it cannot come in abrasive contact with other objects.

Yet, he says, the Sirhan bullets were thrown together in envelopes, usually without protective wrapping.

A bullet fragment from Kennedy's head had been wrapped in gauze but another taken from his neck was loose in the same envelope.

Three bullets and two empty shell casings were mixed loosely in another envelope. And another bullet was loose in a glass vial with nothing to separate it from the hard sides of the container.

The clerk's records show that a total of 13 persons examined Sirhan's trial evidence, but those records are so vague it is hardly possible to say for sure what evidence was examined and by whom.

Regarding the Jack Kirschke case, the records indicate that only one person ever asked to examine the evidence from that trial. A state criminal investigator who looked at either a diagram or a color picture.

A clerk's aide confessed (that) it seems odd that only one person would be interested in exhibits from so celebrated a case. A fact that may point to deficiencies in the clerical records.

But Kirschke evidence was handled in the same manner - if Kirschke evidence was handled in the same manner as the Sirhan evidence graver implications arise. (2)

Kirschke was convicted of killing his victims with a gun that was never found. There were no witnesses. The most critical (crucial) evidence was testimony from police ballistic expert DeWayne Wolfer, who's methods have now been questioned.

If indeed the Kirschke bullets have been contaminated it may be impossible to test the accuracy of Wolfer's findings, and therefore the validity of his methods.

And if Wolfer methods are discredited it may open the way for defense attorneys to challenge his finds in literally scores of cases in which he was a key witness.

It's a possibility that the District Attorney's office may be facing with a good deal of concern. And the Big News continues..."

END REPORT

FTN (1).

It is my understanding that Harper also photographed these bullets and made comparison enlargements of them that show that two of these bullets came from different guns. This evidence is in a one hour film by Charach and shown to newsmen last week (July 4-10) in New York and Washington.

FTN (2).

A news story of Friday, March 14, 1969 in the Los Angeles Times, headline "Tapes reveal Sirhan is animated after arrest." had the following:

"The prosecution in the murder case against Sirhan Bishara Sirhan continued Thursday to play recordings of the first encounters between Sirhan and police..."

IV-KNXT

"But by 3:15 a.m. three hours after the shooting, Sirhan was engaging in earnest discussions and humorous banter with officers - still without revealing anything about the shooting or even his name."

"He waxed chatty, however, about other matters and discussed with Dep. District Attorney John E. Howard, now one of his prosecutors, the Jack Kirschke murder case..."

LOS ANGELES TIMES, 3/14/69
page twenty-two, Dave Smith

K.N.X. RADIO

Time 11:21 a.m.

July 10, 1971

Newsman: "The Los Angeles district attorney has confirmed an earlier report that investigation is underway into the possible altering of evidence used to convict Sirhan Sirhan for the assassination of Senator Robert Kennedy.

District Attorney Joseph Busch says, and I quote "the court order protecting the exhibit has been ignored and the exhibits have not been properly protected by the County Clerk's office."

Bush's news secretary William Farr quotes the D.A. as stating, "Indeed there is evidence the exhibits have been handled by numerous persons." (Farr) "We are currently in the midst of an investigation to determine whether there has been any intentional or un-intentional tampering with the key exhibits involved in the trial, including the murder weapon and the bullets taken from the body of Senator Robert Kennedy. However, this office has launched a full investigation into this matter.

I have been authorized by the Los Angeles Police Department to state that they intent no react activation of its special unit senator section - which conducted the initial comprehensive probe into the Senator's assassination.

At the conclusion of the investigation by my office we will take appropriate action and make the full report to the public. We are still confident at this point that the original investigation was thorough and that the subsequent trial outcome was valid. Our concern now is whether there has been any violation of the trial exhibits. We are terribly concerned about the possibility that they have been tampered with."

V-K.X.N.

FTN

KNX RADIO

Approximately 11:30 a.m.
July 10, 1971

Newsman: "Details from newsman John Goodman at C.B.X. station KNX
Los Angeles,"

Goodman: "The District Attorney confirms ~~that~~ court orders protecting the evidence have been ~~been~~ violated and there are indications that the exhibits including the murder weapon have been tampered with."

= Sirhan defense attorney Luke McKissick says he regards the issue as a smoke screen to cover up inadequate in the prosecutions proof.

MCKissick: "Well, this has always been my fundamental notion is that there should be a, you know, public inquiry - a full inquiry - with everybody having access to it. Let the people from the press be there - let everyone that wants to examine - let us, let's see what the situation is."

Rather than just have private parties run around on their own and do their own little investigation. I'm for a full public inquiry, I think that's what's called for.

Goodman: "McKissick says he has authorized only one person to examine those exhibits. The probe by the District Attorney was prompted during the course of another investigation ~~into~~ into alleged irregularities in the ballistic investigation of the murder gun. John Goodman for CBS News in Los Angeles."

EXERPT FROM KFWB NEWS

Approximately the same hour. JULY 10 1971

"...anauthorized persons may have handled the gun, bullets and the coat worn by Kennedy when he was fatally shot at the Ambassador Hotel in June 1968. The KNX report said the plastic seals placed on those items have been broken.

The discovery has resulted in the cancellation of two news conferences at which Busch was to reveal results of an investigation into charges that ballistic tests on the murder weapon have been mishandled and that two guns were used in the slaying. That probe is still underway.

EXERPT BY MCKISSICK FROM JULY 10 1971

LETTER KXN NEWS

McKissick: "...those exhibits would be handled - I don't know how a person could examine it otherwise. Clearly the prosecutions witnesses examined those same exhibits when they were preparing the case against Sirhan. Certainly there's nothing to that. I don't know, exactly what he (D.A.) means by 'tampered with'.

If we have this loose description by Chief Davis suggesting that - you know - maybe the scratch marks were changed - the identifying characteristics of the bullets. Again I don't know exactly how that takes place and as far as I know it was done during down at the Clerk's office and in a very authorized and traditional fashion."

KNX radio

time; 6:40 p.m.

July 12, 1971

Newsman: "Charges of tampering with evidence in the Sirhan Sirhan case have resulted in the investigation of some county employees. KNX newsmen Pete Moraga has the story.

Moraga: "Two investigations have been undertaken to determine if evidence in the Sirhan Sirhan case, now entrusted to the custody of the county clerk has been mis-handled. One investigation has been conducted by the District Attorney's office, which has said that lie-detector tests of employees in the county clerk's office indicates that someone is not telling the truth.

But County Clerk William Sharp tells KNX news radio, his own investigation has failed to reveal that strict security relating to the evidence has been broken.

Sharp: "I requested strictest security at the beginning before the thing went to trial. I requested that there has been some question as to whether that request was rigidly adhered to. Our investigation indicates that - does not indicate that there was a violation of it."

Moraga: "Sharp adds that his office is just as interested in protecting the rights of the state as those of the defendant in seeing that only authorized persons have access to the evidence in question. This is Pete Moraga, KNX News radio.